

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

DOCKET NO.
04-10120-GAO

COMCAST OF
GEORGIA/MASSACHUSETTS
Plaintiff

v.

WAYNE DANUBIO
Defendant

ANSWER OF THE DEFENDANT
WAYNE DANUBIO

Now comes the Defendant, Wayne Danubio and for Answer to the Plaintiff's Complaint states as follows:

1. No Answer is required to Paragraph 1 of this Complaint.
2. No Answer is required to Paragraph 2 of this Complaint.
3. The Defendant neither admits nor denies the allegations in Paragraph 3 of the Complaint because he has insufficient information however to the extent an Answer is required it is denied.
4. The Defendant admits that he was and is an individual but denies that he had a principal residence of 14 High Street, East Weymouth, MA and further denies all remaining allegations in Paragraph 4 of the Complaint.
5. No Answer is required to Paragraph 5 of this Complaint.

6. No Answer is required to Paragraph 6 of this Complaint.
7. The Defendant neither admits nor denies the allegations in Paragraph 7 of the Complaint because he has insufficient information however to the extent an Answer is required each and every allegation is denied.
8. The Defendant neither admits nor denies the allegations in Paragraph 8 of the Complaint because he has insufficient information however to the extent an Answer is required each and every allegation is denied.
9. The Defendant neither admits nor denies the allegations in Paragraph 9 of the Complaint because he has insufficient information however to the extent an Answer is required each and every allegation is denied.
10. The Defendant neither admits nor denies the allegations in Paragraph 10 of the Complaint because he has insufficient information however to the extent an Answer is required each and every allegation is denied.
11. The Defendant neither admits nor denies the allegations in Paragraph 11 of the Complaint because he has insufficient information however to the extent an Answer is required each and every allegation is denied.

12. The Defendant neither admits nor denies the allegations in Paragraph 12 of the Complaint because he has insufficient information however to the extent an Answer is required each and every allegation is denied.
13. The Defendant denies the allegations in Paragraph 13 of the Complaint.
14. The Defendant denies the allegations in Paragraph 14 of the Complaint.
15. The Defendant denies the allegations in Paragraph 15 of the Complaint.
16. The Defendant denies the allegations in Paragraph 16 of the Complaint.
17. The Defendant denies the allegations in Paragraph 17 of the Complaint.
18. The Defendant denies the allegations in Paragraph 18 of the Complaint.
19. No Answer is required to Paragraph 19 of this Complaint.

20. The Defendant denies the allegations in Paragraph 20 of the Complaint.
21. The Defendant denies the allegations in Paragraph 21 of the Complaint.
22. The Defendant denies the allegations in Paragraph 22 of the Complaint.
23. The Defendant denies the allegations in Paragraph 23 of the Complaint.
24. The Defendant denies the allegations in Paragraph 24 of the Complaint.
25. The Defendant denies the allegations in Paragraph 25 of the Complaint.
26. No Answer is required to Paragraph 26 of this Complaint.
27. The Defendant denies the allegations in Paragraph 27 of the Complaint.
28. The Defendant denies the allegations in Paragraph 28 of the Complaint.

29. The Defendant denies the allegations in Paragraph 29 of the Complaint.
30. The Defendant denies the allegations in Paragraph 30 of the Complaint.
31. The Defendant denies the allegations in Paragraph 31 of the Complaint.
32. The Defendant denies the allegations in Paragraph 32 of the Complaint.
33. No Answer is required to Paragraph 33 of this Complaint.
34. The Defendant denies the allegations in Paragraph 34 of the Complaint.
35. The Defendant denies the allegations in Paragraph 35 of the Complaint.
36. The Defendant denies the allegations in Paragraph 36 of the Complaint.
37. No Answer is required to Paragraph 37 of this Complaint.

38. The Defendant denies the allegations in Paragraph 38 of the Complaint.

39. The Defendant denies the allegations in Paragraph 39 of the Complaint.

40. The Defendant denies the allegations in Paragraph 40 of the Complaint.

AFFIRMATIVE DEFENSES

AFFIRMATIVE DEFENSE #1

The Defendant says that the claims of the Plaintiff are barred by the doctrine of mitigation of losses an/or the failure of the Plaintiff to mitigate damages.

AFFIRMATIVE DEFENSE #2

This action is barred by the Statute of Frauds.

AFFIRMATIVE DEFENSE #3

The Complaint of the Plaintiff fails to state a claim upon which relief can be granted and, therefore, the Plaintiff is no entitled to any recovery in this action.

AFFIRMATIVE DEFENSE #4

The Defendant claims estoppel as an affirmative defense which bars Plaintiff's action.

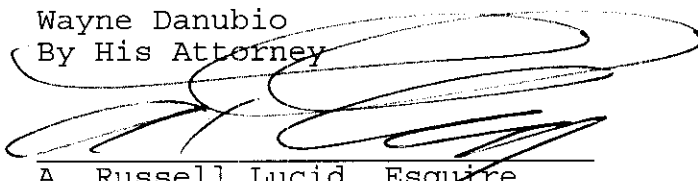
AFFIRMATIVE DEFENSE #5

This action is barred by the Statute of Limitations.

AFFIRMATIVE DEFENSE #6

The Defendant denies the genuineness of signature or signatures relied upon by the Plaintiff and calls upon the Plaintiff to prove the same.

Wayne Danubio
By His Attorney

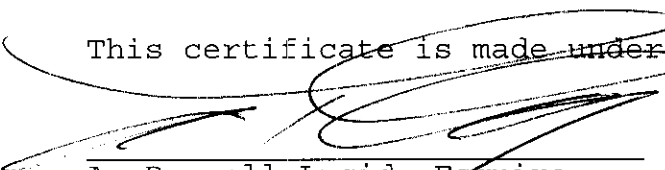


A. Russell Lucid, Esquire
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CERTIFICATE OF SERVICE

I, A. Russell Lucid, Esquire, certify that on the date set forth below I served a true copy of the attached or foregoing pleading as required by F. R. C. P. Rule 5 and Local Rule 5.2 upon the opposing party and all other parties to this legal action. Service was made by mailing a copy hereof postage prepaid via the U.S. Postal Service addressed to the Plaintiff's Attorney of Record John M. McLaughlin of McLaughlin Sacks at 31 Trumbull Road, Northampton, MA 01060.

This certificate is made under the penalties of perjury.



A. Russell Lucid, Esquire

Dated: February 18, 2004